

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**RONALD KRAMER and
JULIE KRAMER,**

Plaintiffs,

vs.

**AMERICA'S WHOLESALE
LEADERS, et al.,**

Defendants.

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Case number 4:10cv0156 TCM

ORDER

Pending in this pro se case alleging violations of various acts regulating the home mortgage business, e.g., the Truth in Lending Act and its Regulation Z, are a motion to dismiss filed by Defendants and a motion by Plaintiffs for leave to file an amended complaint. Defendants do not oppose the filing of the amended complaint; however, in their response to Plaintiffs' motion, they state that the arguments presented in their pending motion to dismiss apply equally to the amended complaint. Perhaps so, but the filing of the amended complaint renders the motion to dismiss the seminal complaint moot. See **Pure Country, Inc. v. Sigma Chi Fraternity**, 312 F.3d 952, 956 (8th Cir. 2002); **Blake v. Express Scripts, Inc.**, No. 4:09cv0563 CAS (E.D. Mo. July 1, 2009). Moreover, the refiling of the motion to dismiss, should Defendants elect to proceed so, gives Plaintiffs notice and opportunity to address any deficiencies cited in such a motion.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' motion for leave to file an amended complaint is **GRANTED**. [Doc. 26]

IT IS FURTHER ORDERED that Defendants' motion to dismiss the seminal complaint is **DENIED** as moot and without prejudice. [Doc. 7]

/s/ Thomas C. Mummert, III
THOMAS C. MUMMERT, III
UNITED STATES MAGISTRATE JUDGE

Dated this 25th of October, 2010.